

MINUTES

PUBLIC WORKS/ELDERLY AFFAIRS COMMITTEE

April 7, 2010

A meeting of the Public Works/Elderly Affairs Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Tim Bynum, Chair, at the 3371-A Wilcox Road, Līhu'e, Kaua'i, on Wednesday, April 7, 2010, at 10:44 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Dickie Chang
Honorable Jay Furfaro
Honorable Daryl W. Kaneshiro
Honorable Bill "Kaipo" Asing, Ex-Officio Member
Honorable Lani T. Kawahara, Ex-Officio Member

RECUSED: Honorable Derek S. K. Kawakami

TIM BYNUM (COMMITTEE CHAIR): Let the record reflect all members are present and Councilmember Kawakami?

DEREK S. K. KAWAKAMI (COMMITTEE MEMBER): Thank you Committee Chair, previously I recused myself from the Līhu'e Town Core Development Plan and since this item ties directing into that, I will be recusing myself from this item as well. Thank you.

Mr. Bynum: Thank you. The first item of the agenda is the Minutes of the March 10, 2010 Public Works/Elderly Affairs Committee, if I could have a motion?

Minutes of the March 10, 2010 Public Works/Elderly Affairs Committee Meeting.

Upon motion duly made by Councilmember Chang, seconded by Councilmember Kaneshiro, and unanimously carried, the Minutes of the March 10, 2010 Public Works/Elderly Affairs Committee Meeting was approved.

The Committee proceeded on its agenda item as follows, and as shown in the following Committee report which is incorporated herein by reference:

PWE 2010-3

Communication (2/26/2010) from Committee Chair Tim Bynum, requesting the presence of the Administration to discuss the status of the Hardy Street Improvements and Traffic Circulation in the Līhu'e Town Area
[This item was deferred.]

Mr. Bynum: Thank you. This was deferred from March 10 and on March 10th I did a presentation which I'm not going to redo but I am going to do a few of the slides from that presentation just to put us in context to the... over the last few months the Līhu'e Town Core Plan and prior to that the Līhu'e Civic Center Plan

was approved by the County Council and both of those plans are envisioned improvements and traffic circulation, pedestrian easements, parking... those kinds of things and during the Līhu'e Town Core Plan we had a number of questions that came up and then there was word of the Hardy Street, potential changes to the funding of Hardy Street improvements which are like the first phase of both of these plans so I just want to do a real brief history of why there was a concern and then we have the Administration here today to talk, to give us information about their intentions related to Hardy Street. The slide that's up there now just has a brief timeline that this vision for Līhu'e Town was addressed in the 2000 General Plan and in 2003 we did a Civic Center Plan an Environment Assessment contract was awarded as part of that project in 2004 was a Līhu'e Downtown Traffic Study looking at the traffic circulation in downtown Līhu'e. December of 2005 there was a Council workshop on the Civic Center Plan where issues were discussed and in connection with that plan in 2006, Hardy Street improvements were first on the State STIP or State Transportation Improvement Plan, in August of 2006 the Administration submitted a Resolution regarding of closing off Eiwa Street and the town center which was one of the concepts in the Civic Center Plan. The Council in October 2006 and I think wisely under the leadership of then Public Works Chair Jimmy Tokioka said "no we're not going to close Eiwa Street now, we're going to wait until after improvements happen on Hardy Street" and the installation of a roundabout at Hardy and Umi that's a quote from the Council in 2006, and I think they wanted to see, that Council the traffic circulation issued and then make a decision about the closing Eiwa Street because if that decision was positive, we'd get a better measure of how you know we already done some traffic circulation improvements and we'd get a sense of the impact if we choose to follow through with that recommendation.

At that time we anticipated that Hardy Street improvements would start right away because the money had already been allocated and it was a high priority from the Council and were other community members. In September 2007 the Civic Center Plan final environment assessment was done and in by March of 2009 just recently and what started a lot of this discussion the Līhu'e the Council approved elements of the Līhu'e Town Core Plan. In terms of planning the numbers are up there that we've spent five hundred and twenty-seven thousand dollars (\$527,000) of planning money between the Civic Center and the Līhu'e Town Core Plan and appropriately in my mind following through the recommendations that the citizens gave us in the 2000 General Plan. Why isn't it working? It worked a minute ago. Could advance one more.

So this is from the traffic study in 2004 where the red circles identified where there were traffic issues that potentially needed to be addressed. There were particularly... and some of them had to do with offset of the streets where entrances into the parking lot and roadways don't line up, they're offset. And so that caused traffic delays as people backup traffic as they try to make left turns and it's just not a good design. And so it identified a number a places around the Civic Center where traffic improvements needed to occur. Particularly said that the longest delays were at Hardy and Umi, Hardy and Kūhiō Highway and Eiwa and Rice Street. Although there were problems with other intersections as well and when they did that traffic study they said that these intersection... these particular intersections were a level of service (f). Well we all know what a, b, c, d, and they have e in this thing and f, f means that they're failing and a quote that's there that a level of service f not only means long delays but could also indicate hazardous traffic situations as drivers become impatient, take chances and make turns through smaller than acceptable gaps. And I think those of us who work and spend

a lot of time in Līhu'e experience that pretty much every day that the delays are so long that people take risk that they wouldn't normally take in their frustration. But more importantly for my mind is when you have a level of service (f) it says hey this is something that needs to be addressed and it is important. This is a view part from that plan of what Hardy Street was envisioned to look like being what we're terming now complete street with center medians, traffic lanes, bike lanes and sidewalks on both sides that would clearly improve pedestrian activity. This is the proposed Civic Center Plan that shows where some of these roadways improvements would change so for instance there wouldn't be offsets at Akahi and the entrance would line up. And the offsets would get dealt with along Hardy Street. There would be additional entrances into the parking area but... the Hardy Street improvements envisioned putting in center medians with left turn lanes so when traffic made left turns, they were backing up traffic so it should significantly improve traffic circulation.

It also addressed some of the issues at the Post Office by realigning the entrance into the parking lot across Kele Street at the Post Office and returning the crosswalk that was pretty popular there and I think we all see instances where people are j-walking and they cross sometimes even Councilmembers inappropriately. I owned that, I'm talking about myself. I don't do that anymore but I did. This is from the Civic Center Plan where it talks about the phasing of this input and the phase one (1) where these improvements on Hardy Street. Phase two (2) involvements also traffic circulation improvements and as this plan noted that the design of the improvements at Hardy Street is expected to commence later this year that was in 2006 because the money was available. That's all the slides I want to show right now. But the reason why this is on the agenda is because in 2006 when the Council said "no we're not going to close Eiwa Street now" all of us anticipated that improvements to Hardy Street would happen soon and in a two (2) year period, they didn't. The project... you know the funding was available but it didn't move forward. After and in this Council term we were focusing a lot on CIP trying to get projects that we had funded out on the street, to get people working and have asked a lot of questions about Hardy Street and a commitment was made to move forward and to get the Hardy Street improvements done. In December we received communication from State Highways and Federal Highways saying that we had a go ahead to obligate the funds so movement happened during the last year it was really good. It went from going nowhere to ready to move forward with the design build of Hardy Street. Then some of us heard in February that the funds that have long been unavailable to us in the STIP had been reallocated to a different road project and that communication went from the Administration indicated that Hardy Street was a low priority which would result in possible a six (6) year more delay of making this traffic improvements that started inquires from myself and other Councilmembers that has led today where we hear from the Administration what is their intent. I don't believe it was the Mayor's intent to delay that Hardy Street period for a long period of time. And I appreciate that he has been looking at that issue and will report to us today because whether if it was his intent or not, that's what the communication indicates and the STIP that's currently out has Hardy Street scheduled not until 2015 and you know that's just... scheduling it... that's not even in the current STIP that's kind of like a wish list for the next four (4) cycle and there's no assurances that that funding would be available even in 2015. But I believe that the Administration here to say that that's not the end of the story and I'm pleased with that. So that's just kind of my overview of why we're here today. Any comments before I call up Doug Haigh from the Building Division? If not Doug could you come up and respond to these inquiries.

There being no objections, the rules were suspended.

DOUG HAIGH (CHIEF OF BUILDINGS): Good morning Councilmembers, Council Chair. Doug Haigh Department of Public Works. Thank you for this opportunity. This is a project I've been involved for many years and at one point I was hoping my participation was over but I'm back. And the Administration has made decisions on how we're going to proceed. What's going on is the key thing focused for us right now and a lot of our work is getting jobs today, and wanting to use Federal money to get jobs and so Kokee Project is ready to bid, ready to advertise and so and it's already designed so it's... construction can begin to start fairly, fairly quickly. So the decision was is to move the construction money from the Hardy Street Project to the Kokee Project so that we can get a project out to bid as soon as possible and get people on Kaua'i working. At the same time the Administration wants to continue moving forward with Hardy Street. We do have design moneys that were programmed for the project and we secured those and we are going to proceed with hiring a consultant for a design build procurement and to assist us in finalizing the conceptual design and prepare the design build procurement package, help us review the design build proposals and help us review the final design once it gets under the design build process. So the project has been assigned back to the Building Division and part of that I assume is because we have done quite a few design build projects and we are familiar with this project. We have sent out our request to the Director of Finance to be able to proceed with this consultant procurement so we're hoping within probably three (3), four (4) months we'll have the consultant on board and will be able to proceed with that process. As far as securing construction funds for the design build process, we are... the Administration has put the request to include this project on a 2001 STIP which seems very appropriate because we clearly aren't going to need those funds before that time, to secure for the construct design build portion of the project. But we're fortunate that this will be a project that's ready to go to be able to commit and obligate the design build funds so at any time if funding becomes available this would be a ready to go project that hopefully we would be able to get the HDOT to fund. Right now the STIP process is going through what they call... well they're developing the STIP it hasn't been finalized or approved in anyway. And right now it's unconstrained phase of the STIP and that means they put all the wish list into it and then they go through a public process, get further input into the different projects and how the public feels about it and then the State prioritizes and constrains the STIP based on the funds available. So we really won't know when this project will be funded until they go through that final stage of the constrained STIP and I believe that will be happening during early summer.

Mr. Bynum: Any questions for Mr. Haigh from Committee members? Councilmember Furfaro.

JAY FURFARO (COMMITTEE MEMBER): Thank you for that overview Doug. Let me understand and just go through the process one time kind of dust some of the cobwebs off of my mind here. The annual capital improvement program for the County of Kaua'i, this document here... is a collection of the County Engineer, the Building Department, Roads Division and the Planning Department all coming together and kind of prioritize it the facility needs of the County? And that should happen once a year. And then this book is then presented to the Planning Commissioners and it is subject to their overview as it relates to our planning process. Do I have that correct so far?

Mr. Haigh: Yes. I'm not familiar with how it gets reviewed and approved by the Planning Commission...

Mr. Furfaro: Well I guess...

Mr. Haigh: From my perspective the Building Division, we get projects from multiple agencies request and then we go through and put them all together and then the Administration sets the priorities and I believe it's submittal to Council and Council reviews that.

Mr. Furfaro: I think the Administration puts their final stamp on it after it gets reviewed with Planning Commissioners and I only know that because I remember that practice with Dee Crowell when (inaudible) I served in Planning Committee so you know there is this kind of process that I understand we have and it identifies the estimated expenditure for fiscal years going forward in this plan. I would think that the Hardy Street piece was so identified in the 2006, 2007 Capital Plan when Representative Tokioka was referenced to these comments here. Is it typical when we would change direction or shift gears on a major project that it would deviate from the plan so that it would come to the Council for a major variance. I'm not sure of how it works.

Mr. Haigh: I'm not sure how that Administration... administrative process works.

Mr. Furfaro: But I guess in my mind when we heard in February about this change occurred I guess I was just disappointed that we didn't have an opportunity to understand it as it relates to the Planning Department's overview with Engineering and then the presentation that it's earmarked in the Capital Appropriation bill. So and I guess that's something I should revisit on the process but I was on the assumption that is how it should have worked. What is the status of the moneys right now from the STIP moneys as it relates to us having something secure for Hardy Street.

Mr. Haigh: Okay. The I believe... three point nine (3.9) million was on the STIP for this year's STIP for Hardy Street. Kokee I believe was on the STIP with two (2) different phases but we developed Kokee as a backup RR project so they combined the two (2) the pavement the repaving and the safety railing improvements into one (1) project and they pursued getting it ready to advertise, getting it ready to fund as a backup RR project. March this year was the deadline for all the RR projects, the State met their goal and was able to commit the RR funds and there were no additional funds available for the backup projects. So it's on this STIP but it didn't have funding.

Mr. Furfaro: It was on the STIP but it didn't get funded.

Mr. Haigh: Yeah. It was like dollar funded type and so now we've been in discussion with HDOT and we put the request in writing requesting the they take the construction money from Kokee I mean from Hardy Street and apply it to the Kokee project since it's ready to advertise. And it's pretty much going to be administrative as they'll do an amendment to the STIP which they do typically two (2) or three (3) times a year and in the next amendment they'll move those funds and then they'll be able to obligate for the project. And then we'll be able to advertise.

Mr. Furfaro: To your knowledge does the Council have the opportunity to review on the I'm going to use the word the deviation from the (inaudible)?

Mr. Haigh: Well apparently in this situation it was not brought to Council for comment.

Mr. Furfaro: Is there any opportunity to I mean are there any other funds available to us for Kokee?

Mr. Haigh: There are not additional Federal funds at this time.

Mr. Furfaro: Did we pursue anything with any stimulus money?

Mr. Haigh: Well that was a backup RR project.

Mr. Furfaro: Okay.

Mr. Haigh: And we were hopeful that there may be an RR two (2) but the jobs bill that was passed did not include any additional RR type funds so we were hoping for alternative funds but they just... there weren't any so we're going back to this. But they did part of the jobs bill was that they fully funded the STIP so that means that it's those funds are secure.

Mr. Furfaro: And to your knowledge where are we at as far as project priorities today? Where are we at?

Mr. Haigh: Well Kokee, we've submitted our hundred percent (100%) (inaudible) so we're waiting for approval to advertise and that's jobs today. And as far as... what's probably going to happen in the process on the STIP when they constrain the STIP they'll come back to the County and say okay you want all these projects, we're only going to be able to give you this much money, you need to set your priorities on which projects are first priorities. And typically that's an Administrative the Administration makes that decision.

Mr. Furfaro: Well thank you for letting me kind of review the process as I understood it and that's all I have.

Mr. Bynum: Okay any other Councilmembers?
Councilmember Chang?

DICKIE CHANG (COMMITTEE MEMBER): Doug you said that you're waiting for an approval to advertise so we're not doing any work right now at Kokee?

Mr. Haigh: No we've completed our plans, the plans (inaudible) documents and we've submitted them to Kaua'i Department of Transportation with the request to approval and advertise. This was like a second submission so we corrected (inaudible too soft) so we're very confident that the packages are totally acceptable.

Mr. Chang: Okay and that's for resurfacing and

guardrails?

Mr. Haigh: Correct.

Mr. Chang: Aren't isn't someone currently doing guardrails?

Mr. Haigh: I am not familiar with any projects, I do not know of any county projects... now there's two (2) routes up to Kokee, one's a State route and the other is the County route. So the one that's come up through Kekaha is the County route.

Mr. Chang: So the Waimea Canyon drive is the State route?

Mr. Haigh: Correct.

Mr. Chang: Kokee road sea level up to the conjunction is the County road?

Mr. Haigh: Correct.

Mr. Chang: Okay my understanding there is presently work being done on the guardrails.

Mr. Haigh: I?

Mr. Chang: I have talked to people about the guardrails they didn't have any knowledge of the road being a part of that, that was my concern.

Mr. Haigh: Were these county workers or private?

Mr. Chang: I'm not sure if I can mention their names but I know who the contractor is.

Mr. Haigh: Okay so it's private. Yeah I...

Mr. Chang: When I asked him about the guardrails he said their only job is to do the guardrails because I was concerned about if resurfacing was a part of that project and they didn't know because they were just doing the guardrails so we can double check but I do believe that work is being done right now and I don't know if one is related to another but when you say you're going to repave and resurface and guardrail is a part of that I believe that work is going on right now. And it has been for maybe a month. Certainly several weeks.

Mr. Haigh: It maybe a small specific... my best guess from what you are saying it may be storm related, I don't know but the project that's being advertised has significant work so I'm pretty sure that work (inaudible).

Mr. Chang: Do you have any idea people that we are going to employ for that?

Mr. Haigh: I believe they have come up with a number part of the RR but I don't know. I have not been directly involved with the Kokee project.

Mr. Chang: Thank you.

Mr. Bynum: Doug, I have some questions I just want to... I'm trying to make sense of the documents that I have received finally today and last night the but I'll try to keep it simple, basically Hardy Street was ready funded for a number of years, right? The project was in the Engineering Division but it didn't really move forward during that period of time. Then it got reassigned to Building, when did it get reassigned to Building?

Mr. Haigh: Well last fall... I was asked to... because we were looking at how to lock up the money and we weren't able to move forward with design because Engineering was short in staff and weren't able to fit that in, and so we saw that the money and we saw that well we've got this plan, we have quite a bit of... we kind of know what we want so this would be an ideal design build project so I was asked at that point last fall to develop the request to Federal Highway and Hawai'i Department of Transportation to allow us to proceed with that project as a design project so I worked on it and that...

Mr. Bynum: So that brought more fruit right?

Mr. Haigh: Well yeah we did get an approval for Federal Highway and Hawai'i Department of Transportation to proceed with (inaudible).

Mr. Bynum: Right because in December we have a letter from Federal Highways dated December 21st where State Highways assisted us with getting approval for Federal Highways to move forward.

Mr. Haigh: Correct.

Mr. Bynum: Because in December when I heard I saying "yeah we're moving on Hardy Street after this amount of delay" but then at some point the job was taken away from Building Division, right?

Mr. Haigh: Well I was helping with that process it had not been formally assigned.

Mr. Bynum: But in December when we got approval to go ahead we didn't move forward in obligate the funds?

Mr. Haigh: No at that point we already were looking at... we don't let's use this money to create jobs today. So at that point we were looking at shifting to Kokee so moving forward with the design bill wasn't as critical at that point.

Mr. Bynum: And so.

Mr. Haigh: So it's balancing resources to do projects.

Mr. Bynum: I understand that. And but so... I received these two (2) letters, one dated today and one dated February 1st because what

happened was the Administration communicated and said the priorities for Hardy Street are you know way low, correct? And so the letter in February says please move this out of current funding and reprogram it into 2014, right? That's what the letter said dated February 1st, right?

Mr. Haigh: You're looking at it right? I don't have it in front me.

Mr. Bynum: Okay. Well but then we got a letter yesterday that says we want to clarify and reference to our letter of February 1st regarding this subject we'd like to reiterate our desires as delineated in that letter. But in this letter it says 2014 and this letter dated today it says no we want it in next year's funding, so that's the same as February 1st letter.

Mr. Haigh: Correct.

Mr. Bynum: So this letter is not delineating what was said in February 1st, it's new information today.

Mr. Haigh: That's correct.

Mr. Bynum: So and I think that's good news so we're kind of like back on track with Hardy Street. Is that?

Mr. Haigh: Yeah it's great news, it's one more thing for me to work on with my staff the Building Division but it's, we believe in the project and we will work hard to make it... move forward.

Mr. Bynum: And so we don't have assurances from the State that we would have those funds available next year.

Mr. Haigh: That is correct but typically when they fund design and in this place we have our design build consultant, once you complete that process and you're ready for the next step, they're usually pretty good at getting funding fairly soon to move to the next step.

Mr. Bynum: So you're back on...

Mr. Haigh: So we don't anticipate it... you know being a long extended period with no construction funds because we're going to have a project ready to go.

Mr. Bynum: So I appreciate that response, I appreciate the Administration putting it back in your camp because and so and being back on track. And I know you can't address the larger process issues that I think Councilmember Furfaro was talking about that when... we all get inquiries from the public, we have a constituency that's pretty invested in Lihu'e Town Core and realizing our vision of not only improving traffic safety but making it economic opportunities for landowners in the area and we rely on six (6) year CIP plans because that's something that we work on collaboratively right? So when the community ask questions under the Administration or the Council what are your priorities, we fall back on those documents so we've been able to give assurances that no Hardy Street's important, we're moving on this and then to have a change, a very major change happen without consulting the Council or without consulting the

Planning Department who has invested in this as well, then we all look like we don't know what we're doing. So it's really important that the process issue here which I know you can't address because that's really not at your level in the government, right?

Mr. Haigh: I am a civil servant here to do my job and help.

Mr. Bynum: Okay. So I just wanted to make those comments that I'm really glad that this is back on track, I'm really concerned that it got off track without any kind of collaborative discussion. So thank you for your testimony. Before we go to public, any other questions for Doug? Council Chair.

BILL KAIPO ASING (EX-OFFICIO MEMBER): I am not a Committee member but Doug, I have some concerns regarding the December 21st letter and the concern that I have is the Federal Highways Division evidently has some problems and the problems are mentioned in the December 21st letter in regards to the design build method and I just want to read this into the record and let me just read it in accordance with 23 CFR parts 636 the Federal Highway administration is approving the DOT's request to use the design build method to construct the Hardy Street improvements, the Federal Highways Division however is making this approval with the following reservations. In terms of providing oversight the County Federal Aid Projects, current staffing and upcoming relatively large and controversial projects may introduce additional risk. The County of Kaua'i previous efforts with the design build method for the multiuse path were less than adequate. The materials quality assurance program continues to be at risk for the design build projects. Since this request and approval introduced a higher than normal risk level from following applicable Federal regulations it should be understood that the Highways Division and the County of Kaua'i shall be accountable for any omissions. And my concern is that should we not change that from a design build to another method rather than going through this risky process?

Mr. Haigh: Well what we will be doing certainly is addressing those risk. And the first step at addressing the risk is we're hiring a design build consultant to assist us with the design build process. So we will have a consultant who will be developing the procurement documents and reviewing the final design and make sure it is in compliance with those documents and the requirement so that's the first step we're taking. The second step in taking is we're planning on hiring a additional consultant to oversee the project to have construction management consultant. Some of the problems we had on the multiuse path, we've learned from and with that we will be having, we will be getting outside help to make sure that we are in full compliance with the Federal and State and County requirements.

Mr. Asing: Wouldn't it be better to just use the other method rather than going through this same design build method? I mean just reduce the risk. And get it done so that there is the risk would be negligible.

Mr. Haigh: Well there's other risk with the design process, there's risk with the design build process that you don't have a design build and you're exposed to a lot of changes in the design process, you're exposed to developing... spending all the money on design, going out to bid and having a project that does not meet budget and then having to do further revisions and incur additional design cost, so there's risk both ways and the key here is that we identify

those risk and we assure that we address it.

Mr. Asing: Well okay.

Mr. Haigh: (inaudible).

Mr. Asing: Well that's your assumption but what I'm doing is... the reason I read this into the record is that this is coming from the Federal Highways...

Mr. Haigh: That is correct.

Mr. Asing: And that's the reason I'm reading it you know you make a judgment call but the call has been made by the Federal Highways on what they think and what they think here in black and white is that there are risk. And so that's the concern they have and it raises a red flag for me on why do we in fact go that route with these risk. Thank you.

Mr. Bynum: Councilmember Furfaro.

Mr. Furfaro: First of all Doug, I want to tell you that I appreciate you being here today but I do want to let you know how important this communication is for me. You may not be aware that my colleagues annointed me to be the liaison between the Kokee Advisory Committee for the State and I'm the Council liaison and when asked about the Kokee improvements, I referred to the plan and I make reference you know and saying we're at least another year off before we work on that so good information is extremely important and I think Mr. Bynum said you know we rely on the CIP plan as presented. I'm going to ask Mr. Bynum and if you don't mind I'll just give you these copies, this is the section of Umi Street and the traffic signals and the roundabouts, this is the Hardy Street improvement as laid out in the plan and then this is the Kokee Road safety improvements as they are in the plan. I'm going to ask Mr. Bynum if you could just send over a communication and I'll give you this copy so that you can give us a update on what we should have in the plan as far as the amendment of these projects, that's all I'm going to ask of you.

Mr. Bynum: Okay. Thank you. Any other questions for Mr. Haigh? I'll just say you know it may be appropriate in the future to have a discussion here about design build because it's something that it has been a discussion item for a number of years and I believe it's accurate to say that more and more projects are moving... the ones that are appropriate to doing design build, is that correct?

Mr. Haigh: That is correct. And the military going to take (inaudible) and they're even taking it a step beyond design build and maintenance and management for (inaudible).

Mr. Bynum: And every time we have a major project we learn, whether it's design bid bill or design build and some of the issues that have been of concern in the past and it's appropriate that HDOT would put these cautions but this letter is approving the project and because State Highways supported the idea of doing this design build as well, is that correct?

Mr. Haigh: That is correct.

Mr. Bynum: But some of the issues on the County level that caused concern in the past you addressed some of those by having constructive management but we've made changes in staff and procedures to address some of those concerns, is that accurate?

Mr. Haigh: Not really... not specific concerns that Federal Highway has been bringing up. One of his biggest concerns is inadequate staff and managing the projects with adequate staff.

Mr. Bynum: And so one of the ways we address that is?

Mr. Haigh: We address that through hiring an outside construction management and hiring an outside design build consultant to help us with the process.

Mr. Bynum: So I consult my colleagues but we may have a future discussion about that because it's important I think as we manage things. Again the process issues is about communication are important but I know that is not something for you to address so any other questions for Mr. Haigh.

Mr. Asing: No I don't but I would like to read this last portion into the record. From what I just read. Since this request and approval introduced a higher than normal risk level for following applicable Federal regulations it should be understood that the Hawai'i DOT and the County of Kaua'i shall be accountable for any omissions. So for me this is a definite red flag. I mean that's what they're telling us and this is the Feds telling us so I just want to put that into the record because I feel it is an important portion and should be read into the record. Thank you.

Mr. Bynum: Councilmember Furfaro.

Mr. Furfaro: Yeah and I do have one (1) comment I think the cautions that are read out by the Chairman certainly worth us examining as there could be some risk on another end for us but also as we start comparing these you know design build projects many of those projects whether they're Federal housing or so forth are also driven by the money that they're getting from the Federal stimulus plan and the fact of the matter is you know they're doing it that way because we all can see that that is quicker, faster and easier to get money into the economy. So there are two (2) separate issues and the caution that's brought up by the Chairman I think is certainly more than reasonable because we know the message we got is the accountability of those funds when we get them but at the end of the day if we don't handle it properly the exposure is ours. Let's be well aware of that. Thank you for that comments Mr. Chair. Mr. Bynum, thank you.

Mr. Bynum: Councilmember Chang.

Mr. Chang: And, and you know I wanted to bring that up also and I got a little bit of ignorance here but I guess this is the way I'm going to have to start it because I just wanted to say also is that in reference dated December 21, 2009 by the Chair now I don't know how all these projects come about, what it seems as though is that it's ready to go and people went through Planning, or they went to Neighborhood meetings or what you have you to get a project going and when we look at things that says making this approval with

following reservations or large and controversial projects may induce additional risk there less than adequate program continues to be at risk for design, higher than normal risk levels that shall be accountable for and I guess for me without understanding and then I'm thinking after we get all these cautions then I guess you came back and said we're going to hire an outside design build consultant and then we're going to hire another consultant after that consultant, I don't know how we can get into problems and again excuse me for my ignorance but it just seems as you know when we're getting all this red flags from the Federal side and then we got to get various other consultants to get us out of there so that our design build method is adequate then I guess... I don't know how we can get into a situation and then get caution and thereafter hire a consultant in a different... Am I making any sense?

Mr. Haigh: I hear what you're saying and let me just clarify. Even on our design bid build projects now, Federal Highway projects we're looking at hire consultants... on the bikepath project that we just got approved money for we are hiring a construction manager consultant to ensure all Federal and State and county obligations are met and properly working. So even on regular design bid build projects, we're still doing that. Because we have the risk there. No matter what whether it's design build or design bid build, we still are accountable for any omissions. We still got to do it right no matter which way. Our problem has been or one of our problems is having consistent, adequate staff, long term staff that seen the project from the beginning to the end. We have projects where we've gone through two (2) or three (3) different staff members managing the project because people have come and gone. And that's difficult but if we hired a firm to manage that, we have a firm that's responsible to ensure there's continuity there and they are legally obligated to ensure that they are complying with all the regulations that's in the contract. We give them that responsibility to make sure that we comply. And in addition we're also overseeing them and the HDOT is overseeing us, the problem and what Dickie is pointing out here or his concern is the other projects. Right now HDOT has eight (8) projects on the island of Kaua'i and so they're busy. So we're having, they're not able to give us as much attention as they had in the past so we can't rely on them as our double check and that's the reason why we're going to outside consultants because we're putting the responsibility and relying on them and then these consultants have individuals that have years of experience managing Federal Highway projects and they have multiple levels of experience you know multiple with that experience so that they can make sure we get through the project applying with all the rules and regulations and that's key. Because we do not in any way want to jeopardize our Federal funded projects and so we're adjusting to the reality and or warned and we're working closely with our partner with HDOT moving together with a plan how to address the concerns and get us through this difficult period. Because Public Works has had a hard time with Engineers, with having adequate Engineering staff and... but we're still tasked with getting projects done for the people of Kaua'i and so we're working on a way to do it. And that's where we are.

Mr. Chang:
very helpful.

Thank you Doug for clarification, that was

Mr. Bynum:

Anything else? Councilmember Kawahara.

LANI KAWAHARA (EX-OFFICIO MEMBER): I just wanted to thank you for being so clear on that and I also wanted to recognize that here we are we have a Department that is adapting to horses and everything that's coming up in a

way that's very proactive, effective and efficient being adaptive in a government form is acceptable and I want to recognize that ensure that we know that we are being conscientious and very careful and adapting to the things as we learn and go forward so would that be accurate.

Mr. Haigh:

Thank you.

Ms. Kawahara:

Thank you.

The meeting was called back to order, and proceeded as follows:

Mr. Bynum: Anything else for Doug? Thank you Mr. Haigh, I appreciate it. I'll call the meeting back to order any comments from Councilmembers at this time before I ask for public testimony, I'll just say that you know it may be appropriate... I'll seek guidance from you because it's been ongoing for a number of years and some of the comments Mr. Haigh said anticipates our budget session because some of those are the things that we will be discussing what is our current level of staffing, what positions are being filled or unfilled, do we have the right people in the right place to meet our obligations, how do we address meeting those obligations and putting forward additional funding that's come available from the State while we reduce our workforce and even now contemplating furloughs you know those are the things that are on mind as we approach the budget sessions. And so I think we'll be discussing that with a number of Departments. Councilmember Furfaro?

Mr. Furfaro: Yes along those lines I would like to remind us all that with the Charter Amendment we now have an Audit Department and certainly part of their responsibilities hopefully each year they will review and audit three (3) to four (4) Departments and especially when it comes to staffing in the key positions, the skilled positions like Engineers and so forth, it might be wise that we do that discussion even though we're going to review staffing in the budget, we do that discussion with a request from the Council to put Public Works on their audit range and you know they can come back and tell us not only financially but operationally what some of the recommendations are. That would be what I would say.

Mr. Bynum: Those are great comments and I think we're all anticipating how the new Audit position will impact our county and I believe we've done some previous audits that we may eventually finally actually get out into the public to discuss lessons learned. Any other comments by Councilmembers before I call for the public testimony? Is there anyone in the public that would like to comment on this issue? Seeing none. Just let me say that as we had the discussion about the town core plan and this communication also anticipates discussing parking issues in the downtown and pedestrian circulation and so and in discussions with the Administration, they are working on responding to that and so I'm going to ask the Committee if they would consider deferring this item for two (2) meetings to give time for that ongoing dialog with the Administration before we address those issues here at Council.

Mr. Furfaro:
meetings.

Move to defer for two (2) Committee

Mr. Chang:

Seconded.

Mr. Bynum:

All those in favor?

Committee Members:

Aye.

Upon motion duly made by Councilmember Furfaro, and seconded by Councilmember Chang, unanimously carried, PWE 2010-3 was deferred to May 5, 2010.

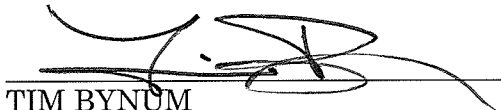
There being no further business, the meeting was adjourned at 11:36 a.m.

Respectfully submitted, ✓



Darrellyne M. Simao
Council Services Assistant I

APPROVED at the Committee Meeting held on May 5, 2010:



TIM BYNUM
Chair, Public Works/Elderly Affairs Committee